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SUBJECT: BRAZILIAN LGBT COMMUNITY FACES CHALLENGES TO RIGHTS

¶1. (SBU) Summary: Protection of the rights of Gay Lesbian, Gay, Bisexual and Transgendered (LGBT) citizens in Brazil presents a mixed picture. Brazil's LBGT population has become far more visible in recent years and some local governments such as Sao Paulo have established special legal, law enforcement, and health programs to assist LGBT citizens. Yet at the same time, the LGBT community has no federal legal protection against hate crimes or discrimination, and limited political clout to move legislation forward. Likewise, while access to public services and protection has increased in some areas, LGBT activists continue to worry that crimes against the community remain underreported. End Summary.

Higher Profile Not Translating Politically

¶2. (SBU) Brazil's LGBT population has gained increasing national and international prominence since the 2000 Sao Paulo Gay Pride Parade's attendance crossed the threshold of 100,000 participants. Despite the higher profile, however, official respect for LGBT rights in Brazil in recent years presents both areas of progress (many of them at the state and municipal level) and areas where more can be done. Among the most important gaps, Brazil lacks federal legislation protecting citizens against discrimination based on sexual orientation. Although such a law was proposed over 10 years ago, the bill has languished without a vote and is now dead. Brazil's Chamber of Deputies did pass a bill in 2009 that would have recognized civil unions for same-sex couples, but the legislation stalled in a Senate committee.

¶3. (SBU) LGBT activists see opposition to measures like civil unions from Brazil's politically influential evangelical community (septel) as a significant challenge. Lula Ramirez from the LGBT activist group Citizenship, Pride, Respect, Solidarity and Love (CORS), told Poloff that evangelical churches have raised such issues with the Brazilian Congress more than their Catholic counterparts, primarily through the organization of a formal group of evangelicals in Congress from several different parties. Meanwhile, Ramirez and other LBGT activists such local lawyer Barry Wolfe say that their groups suffer from a comparative lack of political representation, despite the presence of several openly gay senators and congressmen in Brazil. Consequently, they currently look to the courts to advance their cause. As an example, activists reference several court cases which resulted in same sex partners being awarded health insurance benefits from private companies.

Sao Paulo State Pushes Anti-Discrimination Protections

¶14. (SBU) Despite the lack of federal legal protection, states such as Sao Paulo have moved forward with local protections. In 2001, Sao Paulo state adopted an administrative law barring discrimination, including employment discrimination, based on sexual orientation. Although the measure has no power in civil or criminal court it permits a commission with the Sao Paulo State Department of Justice to fine companies or people who attempt to intimidate or discriminate against LBGT persons. For example, in a case dating back to 2006, the supermarket chain Carrefour was fined USD 25,000 after two transgendered customers charged that the employees of Carrefour in Sao Jose de Rio Preto followed them throughout the store and intimidated them. Activists point to Sao Paulo's efforts, and efforts by states like Pernambuco and Bahia to specifically extend administrative protections like equal treatment in prison visit policies, as slow but noteworthy progress for the LGBT community at the state government level.

Sao Paulo City Promotes Access to Services for LBGT Community

¶15. (U) Sao Paulo city has been a leader in creating public institutions to ensure the LGBT community's access to public services. For example, Sao Paulo city government funds the Coordinator for Matters of Sexual Diversity (CADS) that oversees, in partnership with the city's departments of health and culture, all projects within the city government related to sexual diversity. According to General Coordinator Franco Reinaudo, CADS operates two different centers, one of which facilitates access to legal representation for people who face discrimination. The second is the Reference Center for Diversity (CRD), which services not only members of the LGBT community, but also professional sex workers. This is a service center which operates as a referral agency helping LGBT citizens to gain access to public housing, health, and training opportunities. According to CRD Director Irina Bacci, the Center offers extensive onsite assistance including: group therapy sessions for participants, courses on job interview preparation, and part-time work opportunities in Carnival costume-making and woodworking.

Special Investigative Unit Takes Root, but Statistics Uncertain

¶16. (SBU) In 2000 the Sao Paulo State Civil Police established a special unit to investigate crimes of intolerance, including those directed at sexual orientation. In 2006, the unit was elevated to a permanent investigative department by the Sao Paulo state legislature. Department Deputy Margarete Barretoher told Poloff that since 2000 the rate of aggression towards the LGBT community has not changed, but the public's awareness of the community has increased. She noted that from 2006-2009 the department has investigated about 10 cases of aggression attributed to sexual orientation. While applauding the existence of the special investigative department, LGBT activists express concern that crimes are being underreported. According to lawyer and activist Barry Wolfe, police abuse of transsexuals is also very common. In addition, Luiz Mott from Gays of Bahia, an NGO which compiles information on murders related to homophobia, told Poloff they believe violence against the LGBT community in Sao Paulo is higher than reported in official statistics. For example, the NGO recorded 24 deaths in 2008 in Bahia, a state with a population 30% smaller than the city of Sao Paulo.

Health: Broader Access to Services Needed

¶17. (SBU) While Brazil's federal government-run public health system does support the LGBT community in progressive ways, such as permitting transsexuals to apply for gender reassignment surgery using public funds, post LGBT contacts say more national focus should be placed on ensuring LGBT access to broader health services. At the state level, Sao Paulo uses HIV/AIDS prevention funds to support a special clinic for the transgender community within Sao Paulo city's main public hospital. According to Director Maria Filomena Aoki, the clinic aims to meet the specific

needs of the transgender and transsexual population. For example, many transgendered males use industrial-grade silicone to enhance their bodies, which often causes a series of health related issues. The CRD also offers HIV/AIDS and sexually-transmitted disease testing along with counseling for patients encouraging adherence to HIV/AIDS treatment plans.

Comment: A Mixed Picture

¶8. (SBU) Even though Brazilian society has moved forward in recognizing its LGBT population in the last ten years, improving health and some civil protections at the local level, activists and members of the community say discrimination remains common. Additionally, NGO research suggests that underreporting of crimes against the LGBT community is a serious concern. A federal law against violence and discrimination based on sexual orientation would be a major step toward increasing protection of the Brazilian LGBT community. However, with limited political support to move such legislation, most progress on equal legal protection and access to services will, in the near-term, continue to occur at the local and state level.

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